

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DWIGHT A. CAMPBELL,

Plaintiff,

Case No. 24-cv-10394

Hon. Matthew F. Leitman

v.

CLINTON VAZQUEZ, *et al.*,

Defendants.

**ORDER (1) VACATING THE COURT’S ORDER OF DISMISSAL AND
JUDGMENT (ECF Nos. 6, 7), (2) GRANTING PLAINTIFF’S MOTION TO
RE-OPEN CASE (ECF No. 15), AND (3) TERMINATING PLAINTIFF’S
ADDITIONAL MOTIONS (ECF Nos. 17, 18, 19, 21)**

On February 16, 2024, *pro se* Plaintiff Dwight A. Campbell filed this action against Defendants Clinton Vazquez, the Logan Township Police Department, and the United States Marshals Service. (*See* Compl., ECF No. 1.) At the time he filed his Complaint, Campbell did not pay the required filing fee. Nor did he file an application to proceed *in forma pauperis*. Instead, Campbell filed what he called a “Statement of Filing Fee” in which he said that he was previously granted *in forma pauperis* status in an unrelated 2022 state court case. (*See* Statement, ECF No. 2.)

On April 16, 2024, the Court issued an order (1) construing Campbell’s “Statement of Filing Fee” as a request to proceed *in forma pauperis*, (2) denying that request for failing to provide sufficient information for the Court to review

Campbell's eligibility for *in forma pauperis* status, and (3) dismissing Campbell's Complaint without prejudice.¹ (*See* Order, ECF No. 6.) The Court entered a Judgment reflecting that dismissal on the same day. (*See* Judgment, ECF No. 7.)

In July and August 2024, Campbell filed several motions with the Court. More specifically, he filed (1) a motion to serve the Defendants with the Complaint and to update his address (*see* Mot., ECF No. 11), (2) a second motion to serve the Defendants (*see* Mot., ECF No. 12), and (3) a motion for a temporary restraining order and/or preliminary injunction (*see* Mot., ECF No. 13). The Court struck all three motions in a written order dated August 27, 2024. (*See* Order, ECF No. 14.) In that order, the Court explained to Campbell that he could not file any new motions and "his case [could] not move forward" unless and until Campbell "paid the required filing fee and/or completed an application to proceed *in forma pauperis*." (*Id.*, PageID.40.) The Court then told Campbell that "if [he wanted] to proceed in this action" he needed to "(1) pay the required filing fee or file a completed application to proceed *in forma pauperis* and (2) file a motion to re-open these proceedings and set aside the Court's dismissal order." (*Id.*)

¹ The Court dismissed Campbell's Complaint for two reasons: (1) he failed to pay the filing fee or submit an application to proceed *in forma pauperis* and (2) he failed to provide the Court a valid address so that the Court could administer this action. Campbell has since provided the Court his current mailing address. (*See* Notice, ECF No. 9.)

On September 16, 2024, Campbell filed (1) a completed application to proceed *in forma pauperis* in this matter (*see* ECF No. 16) and (2) a motion to re-open this case and set aside the Court's dismissal order (*see* Mot., ECF No. 17).² The Court has carefully reviewed Campbell's submissions. First, the Court concludes that Campbell's application to proceed *in forma pauperis* should be granted due to his indigence. The Court will grant that application in a separate order. Second, because Campbell has complied with the Court's August 27 order by submitting an application to proceed *in forma pauperis* and by filing a motion to re-open this case, the Court will **GRANT** Campbell's motion, **VACATE AND SET ASIDE** its previous dismissal order and Judgment (ECF Nos. 6, 7), and **REINSTATE** this action to the Court's active docket.

Finally, at the same time that the Court issues this order, the Court will issue a separate order **DIRECTING** Campbell to submit certain documents and information to the Clerk of the Court so that the United States Marshals Service can serve the Defendants with the Complaint. The Complaint cannot be served by the

² Campbell has also filed several other motions with the Court that all primarily seek this same relief (*i.e.*, re-opening proceedings, setting aside the dismissal, and serving Defendants with the Complaint so that the case can begin in earnest). (*See* Motions, ECF Nos. 17, 18, 19, 21.) Because those motions are largely duplicative of Campbell's September 16, 2024, motion, and because the Court is granting Campbell relief on that motion, the Court will **TERMINATE** all of Campbell's other pending motions as duplicative and/or moot.

Marshals Service without the information identified in that order, so it is important that Campbell follow and comply with those instructions upon receipt of the order.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: December 18, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 18, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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